

REMARKS

This Amendment responds to the Office Action dated November 12, 2004.

The Examiner objected to the Abstract because it did not contain 50 words. The applicant has amended the Abstract to include 50 words.

The Examiner rejected claims 1–39 under 35 U.S.C. § 112, second paragraph, contending that claims 1, 5, 6, 9, 12–14, 17–19, 24, 25, 29–32, 37 and 38 each use functional language and method steps without corresponding means for performing the functions or method steps described. Claims 1, 16, 19, 29–32, 37 and 38 have been canceled. Claims 5, 6, 9, 12, 14, 17, 18, 24 and 25 have each been amended. As suggested by the Examiner, the applicant has reviewed MPEP § 2173.05(g). That section indicates that each of claims 1–39 conforms with 35 U.S.C. § 112, despite any use of functional language, because each claim clearly indicates the scope of what is claimed. The applicant specifically notes that the first example given in MPEP § 2173.05(g), which recited permissible claims, is closely analogous to the claim language used in claims 5, 6, 9, 12–14, 17, 18, 24, and 25 of the present application. Therefore, the Examiner's rejection of claims 2–15, 17, 18, 20–28, and 34 should be withdrawn.

The Examiner rejected claims 4–8 under 35 U.S.C. § 112, second paragraph, because of a lack of antecedent basis for the term “said second background color” in claim 4. Claim 4 has been amended to overcome this rejection.

The Examiner rejected claims 30–33 and 36–39 under 35 U.S.C. § 112, second paragraph. Each of these claims has been canceled.

The Examiner rejected claims 1, 14–21 and 28–39 under 35 U.S.C. § 102(a) as being anticipated by Amidei, U.S. Patent No. 5,995,661. Claims 1, 16, 19, 29–33, and 35–39 have been canceled. The applicant has added new claim 40, from which each of the remaining non-canceled claims depend. Claim 40 includes the limitation of “an image processor that analyzes candidate edges for bounding regions and detects a bounding region based, at least in part, on *a luminance threshold value that causes detection of candidate edges cast by a shadow on said backing... .*” Amidei does not disclose this limitation, hence the Examiner’s rejection of claims 14, 15, 17, 18, 20, 21, 28 and 34 under 35 U.S.C. 102 should be withdrawn.

The Examiner rejected claims 2, 3, 4–8, 9–13, and 22–27 under 35 U.S.C. § 103(a) in view of various recited combinations of Amidei; Lee, U.S. Patent No. 5,054,098; Yamanishi, U.S. Patent No. 5,696,595; and Kowalski, U.S. Patent No. 5,778,104. Each of the rejected claims depends from independent claim 40, which as noted above, includes the limitation of an image processor that analyzes candidate edges for bounding regions and detects a bounding region based, at least in part, on a luminance threshold value that causes detection of candidate edges cast by a shadow on said backing. None of the cited references disclose this limitation. For that reason, the Examiner’s rejection should be withdrawn. See MPEP § 2143.03 (stating that a combination of references used in an obviousness rejection must include each and every claim limitation).

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 2–15, 17, 18, 20–28, 34 and 40.

Appl. No. 09/823,372
Amdt. dated April 27, 2005
Reply to Office Action of November 12, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kurt" followed by a stylized, wavy line.

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